REMARKS

By the present amendment, Applicant has amended Claims 1-6, 9, 10, 16, 26-28, 39, and 40, cancelled Claims 24, 25, and 38. Claims 1-23, 26-37, 39 and 40 remain pending in the present application. Claims 1, and 39 are independent claims.

Applicants appreciate the courtesies extended to Applicants' representative during the personal interview held February 4, 2004. The present response summarizes the substance of the interview. At the interview a proposed amendment to the claims was presented. Proposed amended Claims 1, 39 and 40 set forth the remote control and thermostat devices having bi-directional communication between each and an associated controlled device (appliance, electronic, etc.). Arguments were advanced that cited and applied prior references failed to show this specific feature of the claimed invention. The Examiner indicated that further consideration would be made upon the filing of the formal amendment with the proposed changes discussed during the interview.

In the recent Office Action the Examiner objected to the drawings for failing to show every feature specified in the claims. Accordingly, Claims 24 and 25 have been canceled. The Examiner also objected to the abstract for minor informalities. The abstract has been corrected in accordance with the Examiner's observations. Claims 1-6, 10, 26-28, 39, and 40 were objected to because of numerous informalities. In accordance with the Examiner's suggestions, these claims have been corrected to obviate the objections.

The Examiner rejected Claim 16 under 35 U.S.C. § 112, first paragraph, as being non-enabling. Claim 16 has been amended to recite that the apparatus also includes a "roll-over communication element," whereby one of multiple types of communication devices are automatically actuated by the apparatus. Support for this amendment is found in Applicants'

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specification page 20, beginning at line 24 through page 21, line 3. Applicants submit that this rejection is now moot, and should be withdrawn.

Claims 9, 25, and 30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By the cancellation of Claim 25, and the amendments to Claims 9 and 30, in accordance with the Examiner's observations, Applicants submit that this rejection is now moot, and should be withdrawn.

Claims 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wozniak et al. (USPN 4,918,439) in view of Allport, and Bui et al. (USPN 6,398,727). By the cancellation of Claims 24 and 25, Applicants submit that this rejection is now moot, and should be withdrawn.

Claim 38 was rejected under 35 U.S.C. § 102(e) as being anticipated by Sharood et al. (US Publication No. 2002/0025349). Although this rejection is respectfully traversed, Applicants have cancelled this claim in order to advance the prosecution of the present application.

The Examiner rejected Claims 39 under 35 U.S.C. 102(b), as being anticipated by Allport (USPN 6,104,334). This rejection is respectfully traversed.

The Examiner rejected Claims 1-17-23, 26-33, 35-37, 39, and 40 under 35 U.S.C. 103(a) as being unpatentable over Wozniak et al. (USPN 4,918,439) in view of one or more of Allport, Sharood et al., Youngberg (USPN 5,805,530), Ketcham (USPN 6,195,589), Allen et al. (US Publication No. 2002/0149705), Joao (USPN 5,917,405), and Lawrence et al. (USPN 6,264,559). These rejections are respectfully traversed.

Applicants have amended independent Claims 1 and 39 to more accurately recite the thermostat and remote control apparatus as a bi-directional system, where each of the thermostat and remote control apparatus includes a housing, an interface disposed in the housing, a plurality of icons on the interface, which correspond to a set of controls for items that are controlled by

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the apparatus, a display screen, which indicates the current temperature setting, time and date, a recessed program and enter button that allows a user to enter temperature settings to a thermostat, a clear button for deleting any entered information, a USB port and a plurality of serial/ parallel ports that are used to connect a computerized device to the apparatus, an RS-232 port to standardize a transmission of serial data between any devices and the apparatus, a microcontroller for processing information and data, a serial to parallel converter and a parallel to serial converter, and a transmitting means for transmitting a signal to and receiving from each other and an item that can be controlled by the apparatus, the remote control apparatus also including an electric cradle that is used to recharge the apparatus. As stated during the interview, Applicants' claims set forth this unique structural combination of features for bi-directional communication between the thermostat and the remote control, as well as an item controlled by either the thermostat and remote control apparatus.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

With respect to the rejection of Claim 39, the applied prior art reference to Allport does not provide an anticipatory reference against Applicants' claim for the following reasons. Allport discloses a "universal remote control apparatus" for controlling a myriad of devices and appliances via a uni-directional infra-red communication link. The device of Allport includes the capabilities for accessing information or data associated with a corresponding appliance or device by connecting to the internet via an auxiliary and "outside source" (cf, col. 5, beginning at line 50), such as a computer, etc. The Allport device downloads a specific set control data, and once selected by the user, emits an infra-red command code to the appropriate IR receiver of the controlled appliance or

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device. There is no bi-directional communication to and from the remote control to the appliance or device controlled; nor is any explicit bi-directional communication directly to the internet provided, because the Allport device is connected to a computer, or the like, which retrieves the necessary data and downloads to the remote control device. Applicants respectfully submit that the applied Allport reference is not anticipatory, and request that the rejection based thereupon be withdrawn.

Turning to the multiple rejections under 35 U.S.C. 103(a), primarily based upon the combination of the applied references of Wozniak et al. (USPN 4,918,439) in view of Allport, and the other applied references. The base rejection of these rejections suggests that the remainder of these rejections reside in the base rejection. The base rejection combines the teachings of Wozniak et al. and Allport. Wozniak et al. discloses a remote control device for sending IR control command signals to several devices and appliances (note Fig. 11). Wozniak et al. also provides a cradle for recharging the batteries of the remote control device. Wozniak et al. further discloses that the cradle provides an accessible interface via conventional telephones as a modem or DTMF, or via a data cable to a personal computer (cf., col. 7, line 63 through col. 9, line 6). Wozniak et al. also discloses a "learning mode" for inputting IR command codes from a device specific remote control, thereby capable of emitting the learned codes to control that device. Wozniak et al. does not disclose a bi-directional communication between the remote control and any item being controlled. The telephone line communications allow the remote control, when connected to the cradle, to be accessed from a remote location using the modem or DTMF systems. However, there is no bi-directional control therein. Likewise, the data link to a personal computer only allows for the downloading of command code information when the remote control is connected to the cradle. As for the learning mode, since the IR receiver of Wozniak et al. renders the transmission of the IR commands inoperable during the learning cycle, there is no bi-directional communication.

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The reliance upon the Allport reference to sustain any of the aforementioned deficiencies of Wozniak et al. is also without merit. As discussed above, the Allport reference discloses a "universal remote control apparatus" for controlling a myriad of devices and appliances via a uni-directional infra-red communication link. The device of Allport includes the capabilities for accessing information or data associated with a corresponding appliance or device by connecting to the internet via an auxiliary and "outside source" (cf, col. 5, beginning at line 50), such as a computer, etc. The Allport device downloads a specific set control data, and once selected by the user, emits an infra-red command code to the appropriate IR receiver of the controlled appliance or device. There is no bi-directional communication to and from the remote control to the appliance or device controlled; nor is any explicit bi-directional communication directly to the internet provided, because the Allport device is connected to a computer, or the like, which retrieves the necessary data and downloads to the remote control device.

There is no guidance, nor motivation, found the applied references to Wozniak et al. and Allport that would have led one having ordinary skill in the art to arrive at Applicants' unique structural combination of features. Aside from Applicants' own disclosure, there is no teaching to support any allegation of bi-directional communication between the remote control apparatus, the thermostat, and any item controlled thereby. Applicants respectfully submit that the applied prior art references to Wozniak et al. and Allport, as well as the myriad of other cited references, fail to teach Applicants' claimed invention. In addition, Applicants' thermostat and remote control apparatus are not limited to the sole use of IR bi-directional communication, as set forth in Claims 16, and 19-22, Applicants' invention operates in variety of bi-directional communication links.

Applicants have amended Claims 1-6, 9, 10, 16, 26-28, 39, and 40 to more clearly define Applicants' invention, and to more particularly define applicants' unique construction in view of the

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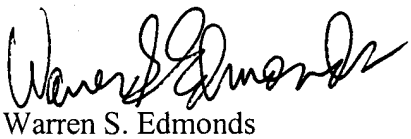
prior art of record. Applicants respectfully submit that for at least this, and the foregoing reasons, Claims 1-23, 26-37, 39 and 40 are allowable over the prior art applied of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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Attachments

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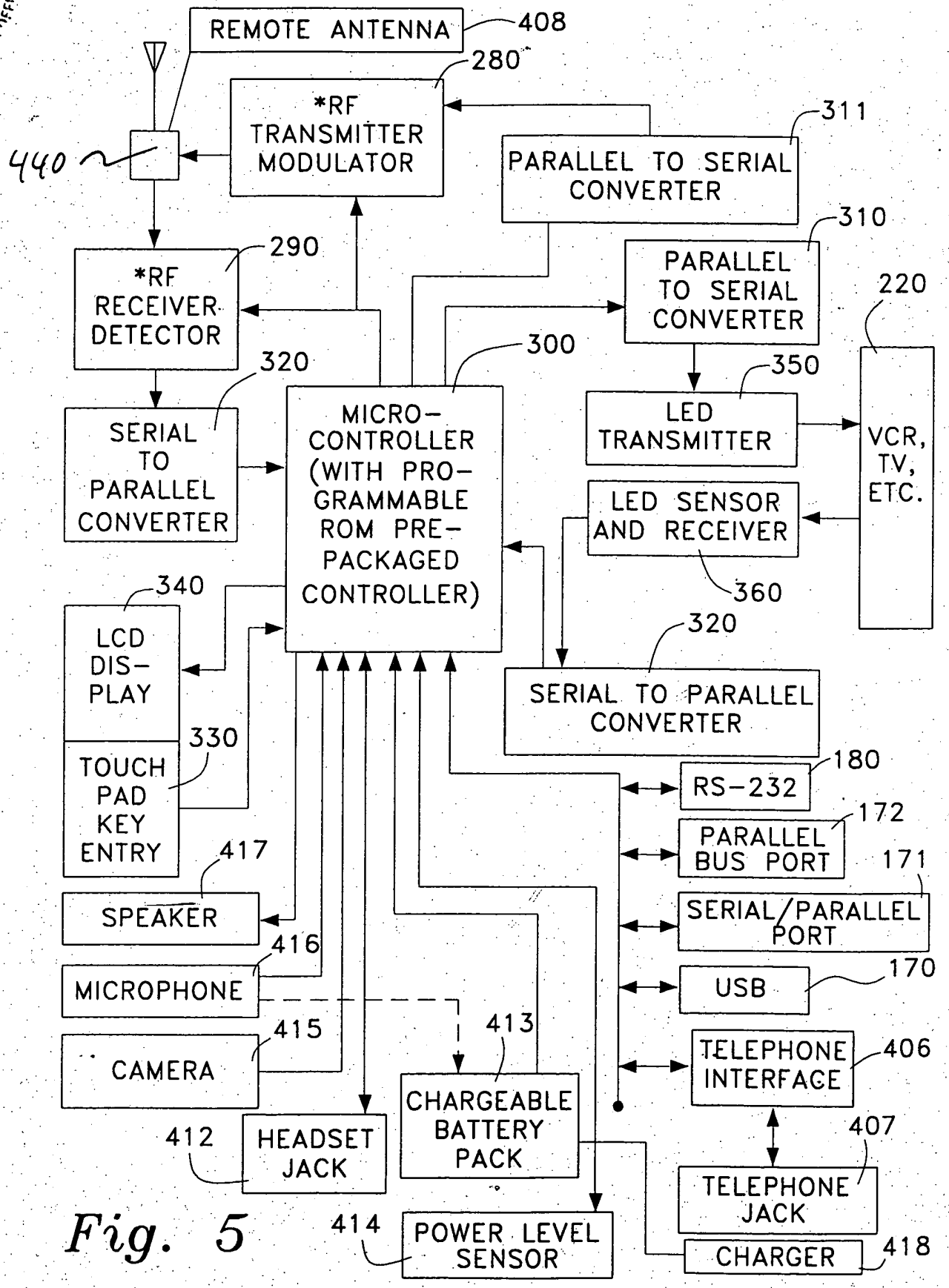

Fig. 5

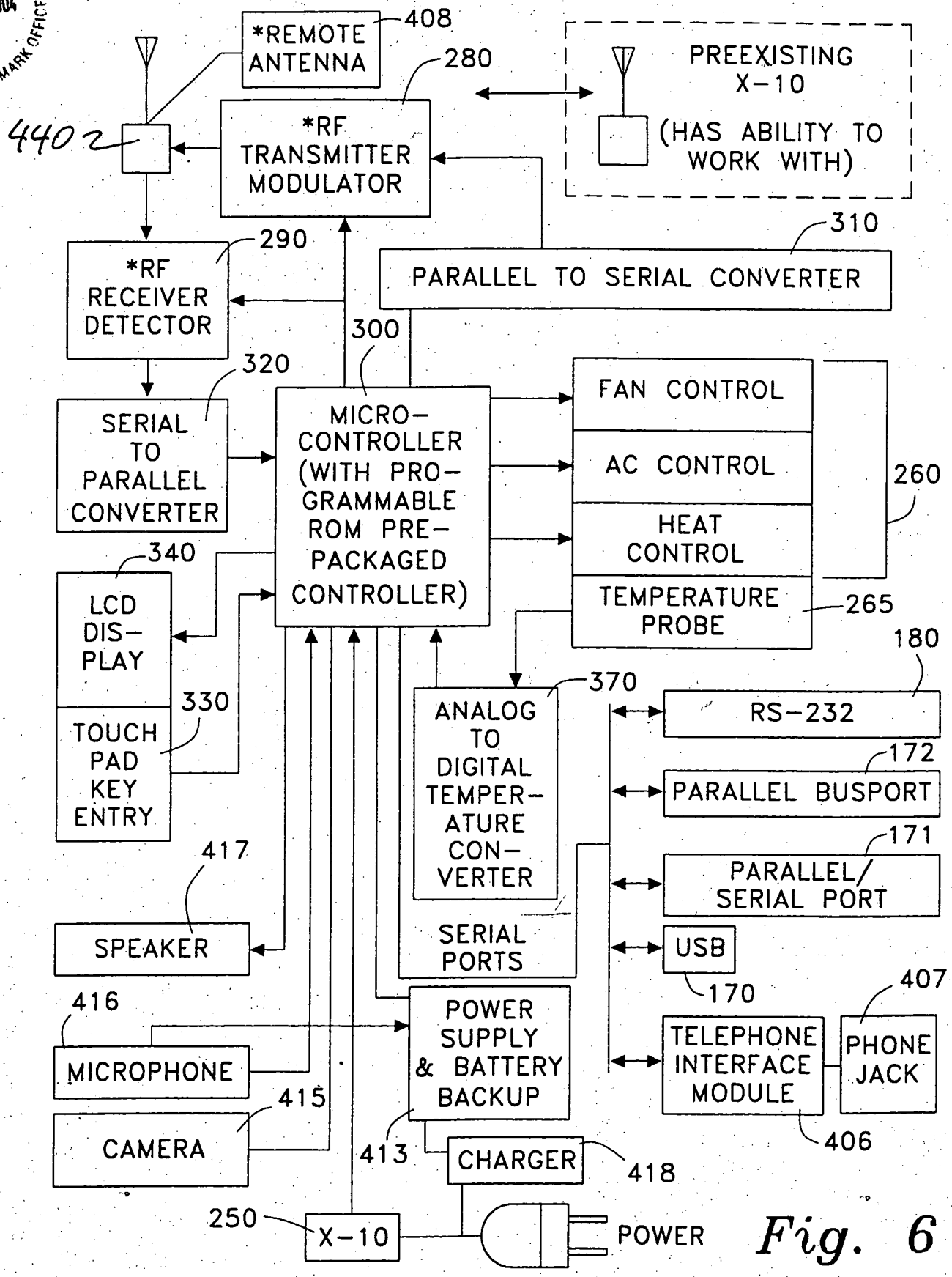

Fig. 6

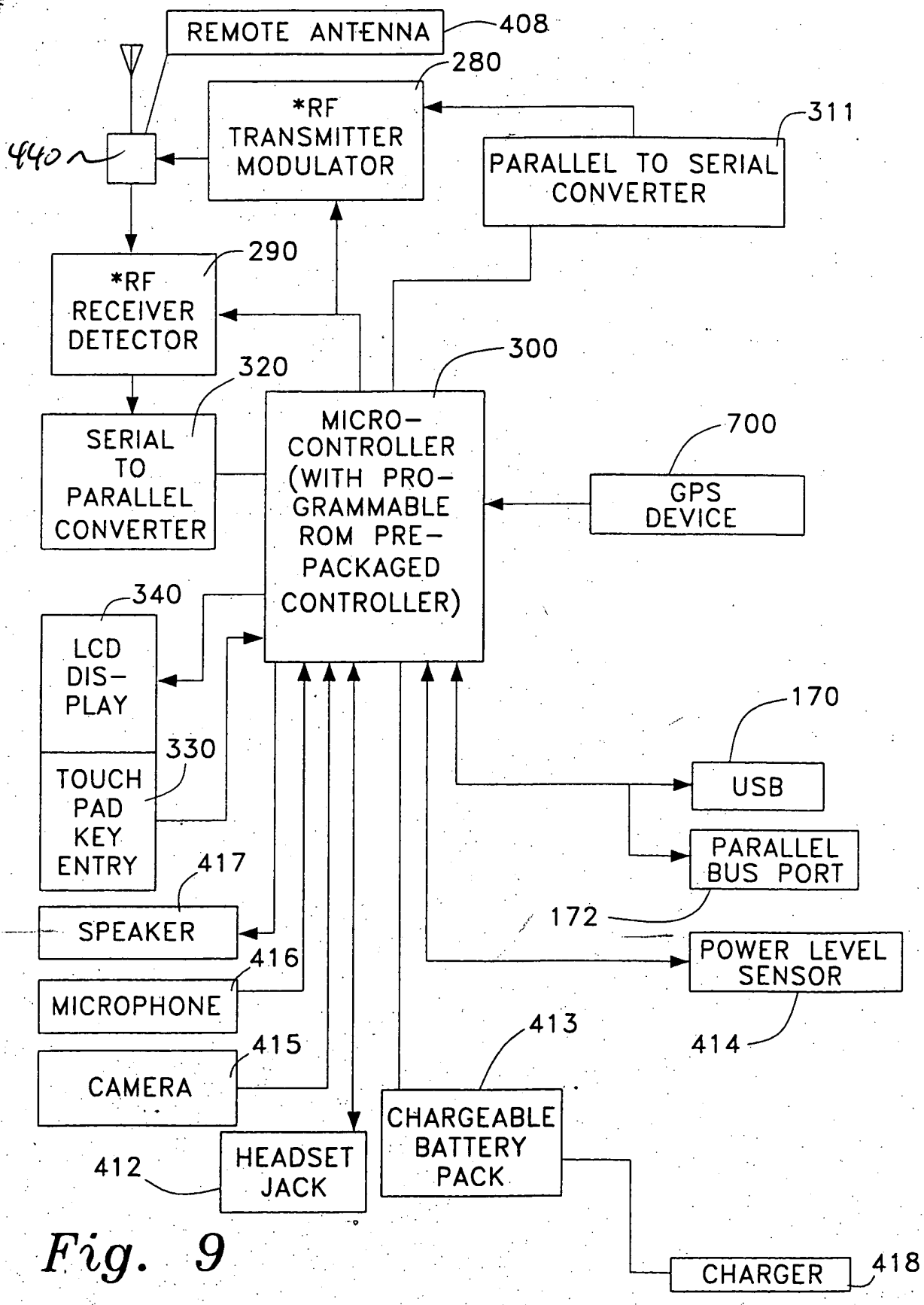

Fig. 9